



Docket No.: 241763US6DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/644,731

Applicants: Francois VARDON

Filing Date: August 21, 2003

For: SHELF FOR SUPPORTING ARTICLES,
PARTICULARLY IN REFRIGERATED
INSTALLATIONS

Group Art Unit: 3637

Examiner: WILKENS, J.

ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

ROBERT T. POUS
(703) 413-3000
RPOUS@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our check in the amount of is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599

Customer Number

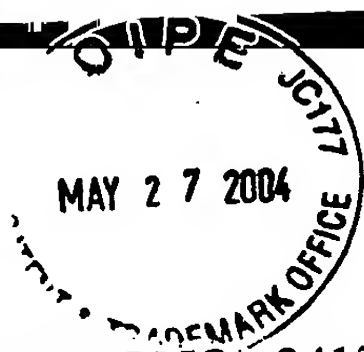
22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\cfdav\electionsandrestrictions\241763.rest

Robert T. Pous
Registration No. 29,099


DOCKET NO: 241763US6DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
FRANCOIS VARDON : EXAMINER: WILKENS, J.
SERIAL NO: 10/644,731 :
FILED: AUGUST 21, 2003 : GROUP ART UNIT: 3637
FOR: SHELF FOR SUPPORTING :
ARTICLES, PARTICULARLY IN
REFRIGERATED INSTALLATIONS

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated April 28, 2004, Applicant herein elects the product claims 1-9, 19 and 20 for prosecution in the present application.

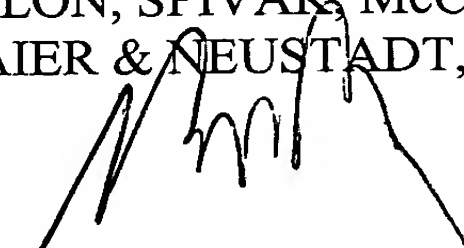
The above election is being made with traverse. As the Examiner has pointed out, the burden is upon the Examiner to show that the claimed product and method are distinct. In fact, the Examiner's alleged basis for such distinction is unsupportable. Specifically, the Examiner has alleged that the claimed shelf can be made by another materially different process such as by using a plastic molded frame which is not shrunk to fit over the panel. However, it is noted that claim 1 recites that the "shelf is obtained by shrinking said at least one attached plastic structure after the at least one panel and the at least one attached plastic structure have been assembled." The claim thus excludes the alleged materially different process of manufacture.

Application No. 10/644,731
Reply to Office Action of April 28, 2004

Accordingly, there is no valid basis for distinction set forth in the restriction requirement, and so it is respectfully requested that all of the claims 1-20 be included in any Office Action issuing in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Robert T. Pous
Attorney of Record
Registration No. 29,099

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

I:\RTP\ELECTIONSANDRESTRICTIONS\241763.REST